

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v. CRIMINAL NO. 02-19 ERIE

CURTIS LASHAWN DUCK

INITIAL APPEARANCE

Proceedings held before the HONORABLE
SUSAN PARADISE BAXTER, U.S. Magistrate Judge,
in Courtroom B, U.S. Courthouse, Erie,
Pennsylvania, on Friday, June 21, 2002.

APPEARANCES:

CHRISTIAN A. TRABOLD, Assistant United States
Attorney, appearing on behalf of the Government.

CURTIS LASHAWN DUCK, Defendant herein, appearing
Pro Se.

Ronald J. Bench, RMR - Official Court Reporter

2

1 PROCEEDINGS

2

3 (Whereupon, the proceedings began at 2:17 p.m., on
4 Friday, June 21, 2002, in Courtroom B.)

5

6 THE CLERK: The case before the court is United
7 States of America versus Curtis Lashawn Duck. It's docketed at
8 Criminal No. 02-19 Erie. Representing the government is Chris
9 Trabold; the defendant is unrepresented at this time.

10 THE COURT: I'm required to ask you first, Mr. Duck,
11 whether you understand English?

12 THE DEFENDANT: Yes.

13 THE COURT: We're going to do a few things today.

14 We're going to make sure you understand your rights. That you
15 understand the charges against you. We'll get you an attorney
16 if you need one. And we'll take care of any bond issues. This
17 proceeding starts your speedy trial clock running.

18 First of all, I want you to know you have the right
19 not to make any statements here today. In fact, any that you
20 make here could be used against you in another hearing.

21 You also have the right to an attorney that you
22 choose, one that you hire. If you can't afford an attorney or
23 do not have one, the government will provide one, do you
24 understand that?

25 THE DEFENDANT: Yes.

3

1 THE COURT: Do you have a copy of the indictment
2 with you?

3 MR. TRABOLD: I just provided Mr. Duck with a copy
4 of the indictment.

5 THE COURT: All right. I'm going to ask the U.S.
6 Attorney to explain to you the charges against you. He will
7 also explain to you the maximum possible penalties should you

8 be convicted on all charges. That's the worst case scenario,

9 it's important you understand that as well. So follow along

10 there with the indictment. Mr. Trabold.

11 MR. TRABOLD: Thank you, your Honor. Mr. Duck, I'll

12 read the indictment in a moment, you can follow along with me

13 as I go through it. The indictment reads as to Count One that

14 the grand jury charges: And then Roman Numeral I. The

15 conspiracy and its objects.

16 "1. From in or around August 2001 to in and around

17 September 2001, in the Western District of Pennsylvania, the

18 defendants, Tracy Lamar Steele, also known as Joe Hill, Curtis

19 Lashawn Duck, Annette Lucas, Maranda Bishop, Erica Dunston, and

20 Twanda Renee Davis, and others both known and unknown to the

21 grand jury, knowingly, willfully and unlawfully conspired and

22 agreed together to commit offenses against the United States,

23 that is:

24 (a) Falsely making or forging any endorsement or

25 signature on a Treasury check or bond or security of the United

1 States, in violation of Title 18, United States Code, Section

2 510(a)(1);

3 (b) Passing, uttering or publishing, or attempting
4 to pass, utter, or publish, any Treasury check or bond or
5 security of the United States bearing a falsely made or forged
6 endorsement or signature, in violation of Title 18, United
7 States Code, Section 510(a)(2);

8 (c) unlawfully buying, receiving, concealing or
9 unlawfully having in their possession, any letter, postal card,
10 package, bag or mail, or any article or thing contained therein
11 which has been stolen, taken, embezzled, or abstracted, knowing
12 the same to have been stolen, taken, embezzled, or abstracted,
13 in violation of Title 18, United States Code, Section 1708.

14 II. Manner and means by which the conspiracy was
15 carried out.

16 2. That it was a part of the conspiracy that:

17 (a) On or about August 31, 2001, Tracy Lamar
18 Steele, also known as Joe Hill, and Curtis Lashawn Duck, came
19 into possession of numerous stolen United States Treasury
20 checks, which had been stolen from a United States Postal
21 Service mail truck on August 31, 2001, which was located at the
22 corner of East 11th and Ash Streets, in the City of Erie, at
23 the time of the theft;

24 (b) from in and around August 2001, to in and
25 around September of 2001, while in possession of the stolen

5

1 United States Treasury checks, Steele solicited Erica Dunston,
2 Maranda Bishop, and Annette Lucas to help cash stolen checks;

3 (c) After Dunston, Bishop and Lucas agreed to
4 assist Steele in cashing the stolen checks, Steele would
5 provide them money for the purpose of obtaining false picture
6 identification cards with names matching the names on the
7 stolen checks;

8 (d) After Dunston, Bishop and Lucas agreed to cash
9 the stolen checks for Steele, they would travel with Steele,
10 who was accompanied by Duck on at least one occasion, to Money
11 Mart at 929 State Street in the City of Erie, for the purpose
12 of obtaining false picture identification cards matching the
13 names on the stolen checks;

14 (e) After the fraudulent picture identification
15 cards were obtained at Money Mart, Steele, Duck, Dunston,
16 Bishop and Lucas, would travel to various businesses within the
17 City of Erie for the purpose of using the fraudulent picture

18 identification cards to cash the stolen United States Treasury

19 checks;

20 (f) Dunston, Bishop and Lucas would fraudulently

21 endorse the United States Treasury checks and would then

22 attempt to cash or cash the stolen United States Treasury

23 checks.

24 (g) Steele solicited Twanda Renee Davis to help him

25 cash stolen Social Security checks. Steele offered Davis money

6

1 to deposit Social Security checks into Davis's bank account at

2 National City Bank, and then withdraw the money from the Social

3 Security checks and give it to Steele.

4 III. Overt Acts.

5 3. In furtherance of the conspiracy, and to effect

6 the objects thereof, the defendants, Tracy Lamar Steele, also

7 known as Joe Hill, Curtis Lashawn Duck, Annette Lucas, Maranda

8 Bishop, Erica Dunston, and Twanda Renee Davis, and other both

9 known and unknown to the grand jury, did commit and cause to be

10 committed, the following overt acts, among others, in the

11 Western District of Pennsylvania:

12 (a) On or about August 31, 2001, Tracy Lamar
13 Steele, also known as Joe Hill, and/or Curtis Lashawn Duck,
14 came into possession of numerous stolen United States Treasury
15 checks which were stolen from a United States Postal mail truck
16 located, at the time of the theft, at the corner of East 11th
17 and Ash Streets, in the City of Erie;

18 (b) On or about August 31, 2001, Tracy Lamar
19 Steele, also known as Joe Hill, contacted Erica Dunston for the
20 purpose of asking Dunston if she wanted to earn some money by
21 cashing stolen checks;

22 (c) On or about August 31, 2001, Tracy Lamar
23 Steele, also known as Joe Hill, accompanied by Curtis Lashawn
24 Duck, who was driving, drove Erica Dunston to Money Mart at 929
25 State Street in the City of Erie;

1 (d) On or about August 31, 2001, Tracy Lamar
2 Steele, also known as Joe Hill, gave Erica Dunston \$10.60 and
3 sent Dunston into Money Mart to obtain a fraudulent photo
4 identification card in the name of Roxanna Henderson, which
5 Dunston was able to obtain;

6 (e) On or about August 31, 2001, Tracy Lamar
7 Steele, also known as Joe Hill, accompanied by Curtis Lashawn
8 Duck, who was driving, drove Erica Dunston to Dee's Cigar
9 Store, 1705 State Street, City of Erie, so that Dunston could
10 cash a stolen United States Treasury check, No. 4023-82965467,
11 dated August 31, 2001, payable to the order of Ebony Henderson
12 for Roxanne R. Henderson, in the sum of \$558.40;

13 (f) On or about September 1, 2001, Tracy Lamar
14 Steele, also known as Joe Hill, went to the residence of
15 Annette Lucas and asked Lucas if she wanted to earn money
16 helping cash a stolen check, to which Lucas agreed;

17 (g) On or about September 1, 2001, Maranda Bishop
18 traveled with Tracy Lamar Steele, also known as Joe Hill, and
19 Annette Lucas to Money Mart at 929 State Street in the City of
20 Erie for the purpose of obtaining a fraudulent picture
21 identification card for Lucas;

22 (h) On or about September 1, 2001, Tracy Lamar
23 Steele, also known as Joe Hill, gave Annette Lucas money so
24 that she could obtain a fraudulent picture identification card
25 in the name of Tonya Jones;

1 (i) On or about September 1, 2001, Annette Lucas
2 forged the signature of Tonya Jones on the back of a United
3 States Treasury check, No. 4023-82965537, dated August 31,
4 2001, made payable to Tonya Jones for Boston J. Brewington, in
5 the sum of \$558.40;

6 (j) On or about September 1, 2001, Tracy Lamar
7 Steele, also known as Joe Hill, approached Maranda Bishop and
8 promised Bishop money if Bishop would help Steele cash a stolen
9 check, to which Bishop agreed;

10 (k) On or about September 1, 2001, Maranda Bishop
11 traveled with Tracy Lamar Steele, also known as Joe Hill, to
12 Money Mart, 929 State Street in the City of Erie for the
13 purpose of obtaining a fraudulent picture identification card
14 in the name of Ardensia Phillips;

15 (l) In and around September 2001, Tracy Lamar
16 Steele, also known as Joe Hill, contacted Twanda Renee Davis
17 and asked Davis if Davis would help Steele cash some Social
18 Security checks, to which Davis agreed;

19 (m) In and around September 2001, Tracy Lamar
20 Steele, also known as Joe Hill, paid Twanda Renee Davis

21 approximately \$250 for depositing three stolen Social Security

22 checks into Davis's bank account at National City Bank."

23 This is all in violation of Title 18, United States

24 Code, Section 371.

25 Mr. Duck, I believe there's one other count in the

9

1 indictment which relates to you. That would be, I believe,

2 Count Seven. Count Seven reads as follows:

3 "From in and around August 2001 to in and around

4 September 2001, in Erie County, in the Western District of

5 Pennsylvania, the defendants, Tracy Lamar Steele, also known as

6 Joe Hill, Curtis Lashawn Duck, Annette Lucas, Maranda Bishop,

7 Erica Dunston and Twanda Renee Davis, did unlawfully have in

8 their possession one or more letter, postal card, package, mail

9 and any article contained therein, specifically:

10 (a) United States Treasury check, No.

11 4023-82965467, dated August 31, 2001, payable to the order of

12 Ebony Henderson for Roxanne R. Henderson, in the sum of

13 \$558.40;

14 (b) United States Treasury check, No.

15 4023-82965651, dated August 31, 2001, payable to the order of

16 Ebony Henderson for Ryan M. Henderson, in the sum of \$558.40;

17 (c) United States Treasury check, No.

18 4023-82965410, dated August 31, 2001, payable to the order of

19 Ebony Henderson for Reshema L. Henderson, in the sum of

20 \$558.40;

21 (d) United States Treasury check, No.

22 4023-82965537, dated August 31, 2001, payable to the order of

23 Tonya Jones for Boston J. Brewington, in the sum of \$558.40;

24 (e) United States Treasury check, No.

25 4023-82965514, dated August 31, 2001, payable to the order of

10

1 Ardensia Phillips, in the sum of \$558.40;

2 (f) United States Treasury check, No.

3 2047-47726312, dated August 31, 2001, payable to the order of

4 Julie Mosakowski for Amanda J. Mosakowski, in the sum of \$856;

5 (g) United States Treasury check, No.

6 4023-82965587, dated August 31, 2001, payable to the order of

7 Jacqueline Eisert, in the sum of \$558.40;

8 (h) United States Treasury check, No.

9 4023-82965290, dated August 31, 2001, payable to the order of

10 Christine A. Paolello, in the sum of \$558.40;

11 which had been stolen, taken, embezzled and

12 abstracted from and out of the United States mail, well knowing

13 the same to have been stolen, taken, embezzled and abstracted.

14 In violation of Title 18, United States Code,

15 Section 1708."

16 Mr. Duck, do you understand the indictment as it's

17 been read to you?

18 THE DEFENDANT: Yes.

19 MR. TRABOLD: Let me go over the maximum penalties

20 with you. Mr. Duck, I believe you're only facing charges in

21 this indictment at Counts One and Seven, so those are the

22 penalties I will explain to you.

23 As to Count One, the maximum penalties are as

24 follows:

25 A term of imprisonment of not more than five years;

11

1 A fine not to exceed \$250,000;

2 And a term of supervised release of at least three

3 years.

4 As to Count Seven:

5 Imprisonment of not more than five years;

6 A fine not more than the greater of \$250,000; or an

7 alternative fine in an amount not more than the greater of

8 twice the amount of loss in the case.

9 THE DEFENDANT: Repeat that again.

10 MR. TRABOLD: Under Count Seven the fine would

11 simply be whichever one of these is greater, \$250,000 or twice

12 the amount of loss suffered with regard to the case. Which in

13 this case would mean twice the amount of loss suffered by those

14 people who did not get their U.S. Treasury checks.

15 And you would also be facing at Count Seven a term

16 of supervised release of not more than three years.

17 Do you understand the maximum penalties, sir?

18 THE DEFENDANT: Yes.

19 MR. TRABOLD: Your Honor.

20 THE COURT: Thank you, Mr. Trabold. Do you have an

21 attorney, sir?

22 THE DEFENDANT: No.

23 THE COURT: Would you like the government to provide

24 one for you or do you want to hire your own?

25 THE DEFENDANT: I'll go with the government for now.

12

1 THE COURT: You can do that. But if at any point
2 you do hire an attorney, let us know. I need to take financial
3 information from you in order to determine whether you will pay
4 for some or none of the attorney's fees. Okay. I'll have you
5 placed under oath.

6 (Whereupon, the Defendant, CURTIS LASHAWN DUCK, was
7 sworn.).

8 THE COURT: Are you currently employed?

9 THE DEFENDANT: No.

10 THE COURT: When was the last time, month and year,
11 that you were employed?

12 THE DEFENDANT: I can't recall the month, it was
13 last year sometime.

14 THE COURT: Are you married?

15 THE DEFENDANT: Yes.

16 THE COURT: Does your wife have a job, does she
17 work?

18 THE DEFENDANT: She works.

19 THE COURT: Where does she work?

20 THE DEFENDANT: Verizon.

21 THE COURT: Verizon?

22 THE DEFENDANT: Yes.

23 THE COURT: How much does she earn per month, do you
24 know?

25 THE DEFENDANT: It varies, between \$900 and \$1,200

13

1 every two weeks.

2 THE COURT: In the last 12 months have you received
3 any income from any business or profession -- that would be
4 back to June, 2001?

5 THE DEFENDANT: No.

6 THE COURT: No?

7 THE DEFENDANT: No, I don't think so.

8 THE COURT: In the past 12 months have you received
9 any income in the form of rent payments to you?

10 THE DEFENDANT: No.

11 THE COURT: In the form of interest or dividends?

12 THE DEFENDANT: No.

13 THE COURT: In the form of government assistance?

14 (Defendant shakes head.)

15 THE COURT: Have you any cash on hand?

16 THE DEFENDANT: No.

17 THE COURT: Do you have any money in checking or
18 savings accounts?

19 THE DEFENDANT: No.

20 THE COURT: Do you own any real estate?

21 THE DEFENDANT: No.

22 THE COURT: Any stocks or bonds?

23 (Defendant shakes head.)

24 THE COURT: An automobile?

25 THE DEFENDANT: No.

14

1 THE COURT: Do you have any children, any
2 dependents?

3 THE DEFENDANT: Yes.

4 THE COURT: How many?

5 THE DEFENDANT: Seven.

6 THE COURT: And what are their ages?

7 THE DEFENDANT: Two to ten.

8 THE COURT: And do you support them?

9 THE DEFENDANT: Yes.

10 THE COURT: Do they live with you?

11 THE DEFENDANT: No, they don't live with me. I'm
12 incarcerated right now for child support.

13 THE COURT: Do you have court ordered child support?

14 THE DEFENDANT: Yes.

15 THE COURT: How much do you pay monthly on that when
16 you're not incarcerated?

17 THE DEFENDANT: I'll say \$450.

18 THE COURT: Do you have any other bills, do you have
19 credit cards or anything?

20 (Defendant shakes head.)

21 THE COURT: Any loans?

22 THE DEFENDANT: Yeah.

23 THE COURT: How much is that loan for, how much
24 money?

25 THE DEFENDANT: It's for a thousand dollars. Pays

1 all my support, it was like two, three years ago.

2 THE COURT: How much do you have left -- it was
3 4,000 did you say?

4 THE DEFENDANT: No, it was a thousand, I got a loan
5 for a thousand.

6 THE COURT: Have you paid any on it?

7 THE DEFENDANT: My dad is still paying on that, I
8 don't know what the average amount is, he cosigned for me.

9 THE COURT: Any other debts, any other payments per
10 month?

11 THE DEFENDANT: No.

12 THE COURT: How long have you been incarcerated?

13 THE DEFENDANT: February.

14 (Defendant executes Financial Affidavit.)

15 THE COURT: Why are you incarcerated?

16 THE DEFENDANT: I'm incarcerated on child support.

17 THE COURT: Failure to pay child support?

18 THE DEFENDANT: Yeah.

19 THE COURT: Have you gone through your hearing at
20 the county yet?

21 THE DEFENDANT: Yes. August 1st is my date of

22 release. I don't know when the hearing was.

23 THE COURT: You're about to be released in August.

24 Mr. Trabold, what is your recommendation for bond?

25 MR. TRABOLD: I think you can apply the same bond

16

1 for Mr. Duck as you gave to Mr. Steele.

2 THE COURT: Do you want to revisit the issue in

3 August or are you all right with release?

4 MR. TRABOLD: I don't really think, your Honor, in

5 good faith that I have a basis that you can detain him.

6 THE COURT: All right. I'm going to place a \$25,000

7 OR bond. Which means you pay nothing, but you will be

8 released. And if you don't appear when you're supposed to

9 appear, you owe the government \$25,000. Do you understand how

10 that works. You won't be released today, you're still

11 incarcerated by the state. But these will be the conditions of

12 your release at that point. Mr. Johnson, will you keep an

13 active watch on him or do you wait until August?

14 MR. JOHNSON: We will wait until August.

15 THE COURT: I will place these limitations on him.

16 Standard limitations of travel restrictions and report to

17 Pretrial Services, etc. I'm going to set his arraignment, Mr.

18 Trabold, for next Wednesday, the 26th, at 10 a.m. Anything

19 else, Mr. Trabold?

20 MR. TRABOLD: No, your Honor.

21 THE COURT: All right, we're adjourned, thank you.

22

23 (Whereupon, at 2:44 p.m., the proceedings were

24 concluded.)

25 - - -

17

1 CERTIFICATE

2

3

4 I, Ronald J. Bench, certify that the foregoing is a

5 correct transcript from the record of proceedings in the

6 above-entitled matter.

7

8

9

10 _____

11 Ronald J. Bench

12

13

14

15

16

17

18

19

20

21

22

23

24

25